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2001HOCHI00494 - UNCLASSIFIED

UNCLASSIFIED PTQ0971

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ACTION EAP-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	SRPP-00	EB-00
	UTED-00	H-01	TEDE-00	INR-00	IO-00	L-00	NSAE-00
	OIC-02	OPIC-01	PRS-00	P-00	SP-00	SS-00	STR-00
	TEST-00	TRSE-00	USIE-00	PRM-01	DRL-02	G-00	NFAT-00
	SAS-00	/007W					

-----E4857D 270356Z /38

FM AMCONSUL HO CHI MINH CITY
TO SECSTATE WASHDC 4971
INFO AMEMBASSY HANOI
AMEMBASSY TOKYO
AMEMBASSY BEIJING
AMCONSUL HONG KONG
USMISSION GENEVA
ASEAN COLLECTIVE
USCINCPAC HONOLULU HI
JICPAC HONOLULU HI
SECDEF WASHDC
DIA WASHDC
NSC WASHDC

UNCLAS SECTION 01 OF 02 HO CHI MINH CITY 000494

SIPDIS

STATE FOR EAP/BCLTV AND EAP/PD/JMARTIN
STATE ALSO FOR DRL/IRF
CINCPAC FOR FPA
SECDEF FOR ISA/EA/LSTERN

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E.O. 12958: N/A
TAGS: PHUM KIRF VM
SUBJECT: THOAI SON INCIDENT REVISITED

REF: 00 HCMC 0640

1. SUMMARY: REFTEL REPORTED THAT ON MARCH 11, 2000, POLICE ARRESTED THIRTEEN HOA HAO BELIEVERS IN THOAI SON DISTRICT, AN GIANG PROVINCE. EIGHT WERE RELEASED AFTER QUESTIONING; THE OTHER FIVE EVENTUALLY RECEIVED PRISON SENTENCES RANGING FROM 12 MONTHS TO 30 MONTHS. THE NAMES OF THE FIVE IMPRISONED HAVE BEEN INCLUDED IN MISSION'S HUMAN ANNUAL RIGHTS REPORT AND ANNUAL REPORT ON INTERNATIONAL RELIGIOUS FREEDOM. HOWEVER, IT NOW APPEARS THE CASE MAY NOT BE SO CLEAR CUT. SUBSEQUENT CONVERSATIONS WITH PERSONS FAMILIAR WITH THE INCIDENT HAVE LED MISSION TO BELIEVE THE ARRESTS RESULTED PRIMARILY FROM A FIGHT WITH POLICE FOLLOWING A RIVER TRAFFIC VIOLATION. THE SENTENCES HANDED DOWN IN THE CASE, THOUGH STIFF, ARE WITHIN THE ALLOWABLE RANGE UNDER VIETNAMESE LAW FOR A FIGHT WITH POLICE. BECAUSE THE CIRCUMSTANCES OF THE ALTERCATION ARE AMBIGUOUS, AND IN THE ABSENCE OF FURTHER INFORMATION, WE BELIEVE THIS SHOULD NOT BE CONSIDERED A HUMAN RIGHTS OR FREEDOM OF RELIGION CASE. END SUMMARY.

2. REFTEL REPORTED THAT 13 PERSONS WERE ARRESTED ON MARCH 11, 2000 IN CONNECTION WITH THE CONTROVERSIAL DEATH ANNIVERSARY OF HOA HAO FOUNDER HUYNH PHU SO. EIGHT OF THE THIRTEEN WERE RELEASED AFTER QUESTIONING. FIVE OTHERS WERE TRIED AND SENTENCED AS FOLLOWS:

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VO THANH LIEM (VO VAN LIEM)
SENTENCED TO 30 MONTHS ON MAY 26, 2000
CURRENTLY IN CHAU BINH REEDUCATION CAMP, BEN TRE PROVINCE.

NGUYEN VAN DIEN (BAY DIEN)
SENTENCED TO 20 MONTHS ON MAY 26, 2000
CURRENTLY IN CHAU BINH REEDUCATION CAMP, BEN TRE PROVINCE.

VO VAN HAI
SENTENCED TO 12 MONTHS ON MAY 26, 2000
HAI HAS ALREADY BEEN RELEASED HAVING SERVED OUT THE TERM OF HIS SENTENCE, WHICH WAS RETROACTIVE TO THE DATE OF ARREST, MARCH 11.

NGUYEN VAN HOANG
SENTENCED TO 24 MONTHS ON JUNE 24, 2000
CURRENTLY IN CHAU BINH REEDUCATION CAMP, BEN TRE PROVINCE.

LE VAN NHUOM (NGUYEN VAN NHUOM)
SENTENCED TO 30 MONTHS ON JUNE 24, 2000
CURRENTLY IN XUAN LOC Z30 K2 PRISON, DONG NAI PROVINCE.

(NOTE: A SIXTH PERSON, LE HUU HOA (LE VAN HOA) WAS
ARRESTED ON MAY 26, 2000, IN CONNECTION WITH THIS INCIDENT
AND WAS ALSO LISTED IN OUR HUMAN RIGHTS AND RELIGIOUS
FREEDOM REPORTS. WE HAVE LEARNED THAT HE WAS RELEASED
FROM DETENTION AT THE END OF JANUARY, WITHOUT HAVING GONE
TO TRIAL. END NOTE.)

WHAT REALLY HAPPENED - OFFICIAL HOA HOA COMMITTEE
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13. ON FEBRUARY 13, POLOFF MET WITH SEVERAL MEMBERS OF THE
GOVERNMENT SANCTIONED HOA HAO ADMINISTRATIVE COMMITTEE IN
AN GIANG PROVINCE. THE THOAI SON INCIDENT WAS ONLY ONE OF
A NUMBER OF TOPICS COVERED DURING THE MEETING, BUT WAS THE
SUBJECT OF GREATEST ENTHUSIASM AMONG THE COMMITTEE
MEMBERS. THEY SAID THERE WAS INDEED A DEATH ANNIVERSARY
INVOLVED, BUT IT WAS THAT OF A FAMILY MEMBER, NOT OF THE
HOA HAO FOUNDER. MANY PERSONS HAD COME TO THE HOME TO
PARTICIPATE IN THE DEATH ANNIVERSARY COMMEMORATION.
AFTERWARDS, MANY OF THE ATTENDEES DEPARTED BY BOAT. RIVER
TRAFFIC POLICE ATTEMPTED TO STOP THE BOAT, WHICH WAS
OVERLOADED WITH PEOPLE. THE PERSONS DRIVING THE BOAT
REFUSED TO STOP AND QUARRELED WITH THE POLICE. THEY
OVERTURNED THE POLICE BOAT AND THEN CONTINUED ON THEIR WAY
WITHOUT TRYING TO ASSIST THE POLICEMEN WHO HAD FALLEN INTO
THE RIVER. LATER, THE POLICE WENT TO THE HOME TO ARREST
THE PERSONS RESPONSIBLE. A QUARREL AND FIGHTING ENSUED AT
THE HOME, AND POLICE ENDED UP ARRESTING THIRTEEN PERSONS,
RELEASING EIGHT AFTER QUESTIONING, AND DETAINING THE OTHER
FIVE. THE COMMITTEE MEMBERS SAID THE ENTIRE STORY CAME
OUT DURING THE TRIAL, AND THAT THE DEFENDANTS ADMITTED TO
OVERCROWDING THE BOAT.

WHAT REALLY HAPPENED - HOA HAO DISSIDENT

14. LE QUANG LIEM, A DISSIDENT HOA HAO ELDER GAVE POLOFF
HIS VERSION OF THE THOAI SON INCIDENT ON MARCH 14. LIEM
SAID THE INCIDENT SHOULD BE TAKEN IN THE CONTEXT OF
ONGOING POLICE INTIMIDATION OF HOA HAO FOLLOWERS FOR THE
PAST 25 YEARS. POLICE TREAT HOA HAO BELIEVERS CRUELLY,
ACCORDING TO LIEM, AND THE HOA HAO IN TURN HATE THE
POLICE. BECAUSE POLICE PREVENT HOA HAO FOLLOWERS FROM
GATHERING IN LARGE NUMBERS, FAMILY DEATH ANNIVERSARIES
(WHERE IT IS NOT UNUSUAL FOR MORE THAN A HUNDRED PERSONS
TO GATHER) ARE OFTEN A FOCAL POINT FOR CONFRONTATION WITH
POLICE. THAT SAID, LIEM ADMITTED THAT IN FACT, THE BOAT
WAS OVERCROWDED WITH 50 TO 70 PEOPLE ON BOARD. THE HOA
HAO BOAT TRIED TO STOP WHEN ORDERED, SAID LIEM, "BUT A
BOAT DOES NOT HAVE BRAKES." THE POLICE RIVER PATROL BOAT,
A MUCH SMALLER VEHICLE, CUT IN FRONT OF THE LARGER BOAT
WHICH THEN RAMMED IT AND OVERTURNED IT. ACCORDING TO
LIEM, THE HOA HAO BOAT DID NOT STOP BECAUSE THE PEOPLE ON
BOARD WERE AFRAID.

COMMENT
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15. EVEN GIVEN POSSIBLE POLICE INTIMIDATION, IT APPEARS TO
MISSION THAT THE FACTS OF THE THOAI SON INCIDENT SUGGEST
THIS CASE WAS MORE ABOUT AN ALTERCATION BETWEEN POLICE AND
AN OVERCROWDED BOAT THAN A VERIFIABLE CASE OF VIOLATION OF
RELIGIOUS FREEDOM. THE SENTENCES HANDED DOWN FOR
SKIRMISHING WITH POLICE ARE WITHIN THE RANGE OF PUNISHMENT
IN VIETNAM LAW. GIVEN THE AMBIGUITIES, WE BELIEVE WE
WOULD NEED TO OBTAIN FURTHER CONFIRMATION BEFORE
CONSIDERING THIS A CASE OF A VIOLATION OF HUMAN RIGHTS OR
RELIGIOUS FREEDOM. WE WILL CONTINUE TO SEEK TO OBTAIN
FURTHER INFORMATION. IN THE MEANTIME, PLACING EMPHASIS ON
A CASE THAT ON ITS FACE APPEARS TO BE MORE ABOUT A TRAFFIC
VIOLATION RISKS DILUTING OUR CREDIBILITY ON MORE CLEAR-CUT
CASES OF HUMAN RIGHTS VIOLATIONS. END COMMENT.
RAY

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